

REMARKS

Applicant requests reconsideration and allowance of the subject patent application in light of the changes above and the remarks that follow.¹ By this Amendment, claims 18-20 have been added, claims 2, 4-7 and 9-17 have been amended, and claims 1, 3 and 8 have been cancelled. Claims 2, 4-7 and 9-17 have been amended to improve the clarity and consistency of their language. New claims 18-20 replace cancelled independent claims 1 and 8, and incorporate features from these claims. Additional support for the subject matter included in claims 18-20 may be found in the clean copy of the specification filed on June 6, 2006 at, for example, pages 5-7. Claims 2, 4-7 and 9-20 are now pending.

35 U.S.C. 103 Rejection

Applicant respectfully submits that the purported combination of U.S. Patent Publication No. 2004/0043792 by *Simmons* and U.K. Patent Application No. GB2355892 by *Portalier et al.* ("*Portalier*") cannot support a rejection of the pending claims under 35 U.S.C. § 103(a) because, taken alone or in combination, these references do not establish that all the features recited in the claims were known in the art at the time of the invention. (*See KSR International Co. v. Teleflex Inc.*, 550 U.S., No. 04-1350 (U.S., April 30, 2007), 82 USPQ2d 1385, 1395 (2007); M.P.E.P. § 2143.02.)

The prior rejection of independent claims 1 and 8 are moot due to the cancellation of these claims. To the extent that the rejection of claims 1 and 8 apply to new claims 18-20, Applicant traverses these rejections.

¹ The Office Action contains statements characterizing the claims and related art. Regardless of whether any such statements are specifically addressed herein, Applicant's silence as to these characterizations should not be construed as acceptance of them.

New independent claim 18 recites, “authenticat[ing], by [a] second data storage device, [a] first data storage device,” “establish[ing], based on said authentication, an encrypted communication channel between the first data storage device and the second data storage device,” “transmit[ing], via the encrypted communication channel, the IMEI from the first data storage device to the second data storage device” and “enabl[ing] the handset to access the communication network based on the IMEI received by the second data storage device.” The cited references do not disclose or suggest these features of claim 18.

Moreover, nothing in the cited references, when taken individually or in combination, teach or suggest the combination of features as a whole. (*See Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983); M.P.E.P. § 2142.02.))

The Examiner apparently understands that *Simmons* does not disclose an “encrypted” communication channel. (Office Action, p. 5, ll. 1-8.) *Portalier* is merely cited for its purported disclosure of a connector. (*Id.* at p. 6, ll. 9-10.) Accordingly, *Simmons* and *Portalier* cannot be considered to disclose or suggest, “establish[ing] ... an encrypted communication channel between the first data storage device and the second data storage device,” as recited in Applicant’s claim 18. Moreover, neither *Simmons* nor *Portalier* say anything with regard to “establish[ing], based on [an] authentication, an encrypted communication channel,” as recited in claim 18. (Emphasis added.)

Because the applied references do not disclose or suggest the above-noted features of claim 18, the references cannot support a rejection of claim 18 under § 103. Claim 18 is, therefore, allowable over *Simmons* and *Portalier*. Claims 19 and 20 recite subject matter similar to that in claim 18. Accordingly, claims 19 and 20 are also allowable over *Simmons*

and *Portalier*. Dependent claims 2, 4-7 and 9-17 are allowable at least due their dependence from claims 18 and 19, in addition to reciting other allowable subject matter.

Conclusion

For the reasons set forth above, Applicant respectfully requests allowance of the pending claims. If additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

Respectfully submitted,

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